

**ZONING BOARD OF APPEALS**

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ZBA 2012-03

Petition of Waban Development Corp.
69 Windsor RoadRecord Owner of Property: James & Eileen Savarese

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 5, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of WABAN DEVELOPMENT CORPORATION requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of an 8.6 foot by 14 foot front entry, construction of a 4.6 foot by 17.7 foot porch, construction of a 20 foot by 21.67 foot one-story addition, construction of a 4 foot by 18.4 foot one-story addition, and construction of a 24.67 foot by 35.5 foot two-story addition that will meet all setback requirements, on a 17,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 69 WINDSOR ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 19, 2011, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Richard Leaf, Architect, who said that he was representing the homeowners, Eileen and James Savarese. Also present was Geoff Valletta, Waban Development Corp. (the "Petitioner").

Mr. Leaf said that the house is on the corner where Windsor Road turns. He said that the house is in disrepair. He said that the proposal is for one smaller and one larger addition to the house. He said that all of the additions will conform to the Zoning setback requirements. He said that the house is located on a nonconforming lot.

The Board said that there was a petition for this property before the Board in 2009. Mr. Leaf said that this project is intentionally smaller and more modest than the earlier version.

The Board said that the plot plan shows the setback from the property line but does not show the floodplain or the distance from Academy Brook. Mr. Leaf said that they will be going before the Wetlands Protection Committee (WPC) on January 26, 2012.

Mr. Leaf said that the plan is to pull the house further away from the brook. He said that currently it is 20 feet away. He said that the house will be pulled back two more feet.

Mr. Leaf displayed enlarged plans (retained by proponent). He discussed the approved project versus the proposed project.

Mr. Valletta said that the WPC ruling for the approved project is still in good standing.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 69 Windsor Road, on a 17,214 square foot corner lot

The Petitioner is requesting a Special Permit/Finding that construction of an 8.6 foot by 14 foot front entry, construction of a 4.6 foot by 17.7 foot porch, construction of a 20 foot by 21.67 foot one-story addition, construction of a 4 foot by 18.4 foot one-story addition, and construction of a 24.67 foot by 35.5 foot two-story addition that will meet all setback requirements, on a 17,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/7/11, stamped by Verne T. Porter, Professional Land Surveyor, existing and proposed Floor Plans and Elevation Drawings, dated 12/8/11, prepared by Leaf Design, and photographs were submitted.

On January 4, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be deferred.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that construction of an 8.6 foot by 14 foot front entry, construction of a 4.6 foot by 17.7 foot porch, construction of a 20 foot by 21.67 foot one-story addition, construction of a 4 foot by 18.4 foot one-story addition, and construction of a 24.67 foot by 35.5 foot two-story addition that will meet all setback requirements, on a 17,214 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of an 8.6 foot by 14 foot front entry, construction of a 4.6 foot by 17.7 foot porch, construction of a 20 foot by 21.67 foot one-story addition, construction of a 4 foot by 18.4 foot one-story addition, and construction of a 24.67 foot by 35.5 foot two-story addition that will meet all setback requirements, subject to the following condition:

- A ruling from the WPC approving the design as submitted to the Zoning Board of Appeals and the expiration of all periods of appeal have run.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

J. Randolph Becker, Acting Chairman

Robert W. Levy

David G. Sheffield

cc: Planning Board
Inspector of Buildings
lrm